

WEDNESDAY, FEBRUARY 4, 2004

FIFTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor H. Bruce Maxwell of Lake Providence Missionary Baptist Church in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

COMMUNICATION

February 10, 2004

The Honorable John Wilder
Lieutenant Governor
One Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

As you know, my mother passed away on February 4th, which is why I was not able to attend the Senate Session on February 4th and February 5th.

Thank you for your understanding.

Sincerely,

/s/ Jerry Cooper
State Senator
14th Senatorial District

APPROVED: Lieutenant Governor
John S. Wilder

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 348 with amendment, 2129, 2148, 2217, 2249, 2252, 2253, 2280, 2315, 2317, 2322, 2330 and 2337.

COHEN, Chairperson
February 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 348 with amendment, 2129, 2148, 2217, 2249, 2252, 2253, 2280, 2315, 2317, 2322, 2330 and 2337 to Committee on Calendar.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2329 and 2432.

COOPER, Chairperson
February 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 2329 and 2432 to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1539 with amendment, 2224 with amendment and 2681.

PERSON, Chairperson
February 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 1539 with amendment, 2224 with amendment and 2681 to Committee on Calendar.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2416, 2613, 2614, 2619 and 2620; also, recommend that Senate Bill 2226 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
February 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 2416, 2613, 2614, 2619 and 2620 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2226 to Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2149 with amendment and 2236.

FORD, Chairperson
February 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 2149 with amendment and 2236 to Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend that Senate Bills Nos. 2053 and 2878 be referred to Committee on Finance, Ways and Means.

McLEARY, Vice Chairperson
February 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 2053 and 2878 to Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2397, 2400, 2401, 2402, 2403 and 2404.

HARPER, Chairperson
February 4, 2004

The Speaker announced that he had referred Senate Bills Nos. 2397, 2400, 2401, 2402, 2403 and 2404 to Committee on Calendar.

PRESENTATION

Senator Kurita presented **Senate Joint Resolution No. 689** to the colleagues of Second Lieutenant Richard Torres, United States Army.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3140 by Senator Dixon.

Pharmacy, Pharmacists -- Sets requirements for a maximum allowable cost list. Amends TCA Title 71.

Senate Bill No. 3141 by Senator Crowe.

Arrests -- Permits police officer to arrest without warrant driver of motor vehicle who leaves scene of accident and who, upon apprehension, is found to be intoxicated.

Senate Bill No. 3142 by Senator Crowe.

Pensions and Retirement Benefits -- Expands TCRS credit for military service. Amends TCA Section 8-34-605.

Senate Bill No. 3143 by Senator Kilby.

Correction, Dept. of -- Expresses legislative intent that Commissioner of Correction shall formulate and implement a salary policy to pay correctional officers at a level at least equal to the southeastern U.S. average for such officers. Amends TCA Title 4, Chapter 6; Title 8 and Title 41, Chapter 1.

Senate Bill No. 3144 by Senator Kilby.

Special License Plates -- Authorizes administrative issuance of constable special purpose license plate. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3145 by Senator Kilby.

County Officers -- Permits constables to receive refund for tax paid on fuel used in the line of duty. Amends TCA Title 8 and Title 67.

Senate Bill No. 3146 by Senator Beavers.

Criminal Offenses -- Reduces from five years to three years the time a misdemeanor arrest warrant or criminal summons has to be served, returned or quashed before it is automatically terminated and removed from the records. Amends TCA Title 40, Chapter 6, Part 2.

Senate Bill No. 3147 by Senator Cooper.

State Employees -- Requires compensation for environmental specialists in Department of Health be comparable to environmental specialists in Department of Environment and Conservation. Amends TCA Title 4, Chapter 3 and Title 68.

Senate Bill No. 3148 by Senator Cooper.

State Employees -- Revises compensation structure of Tennessee Bureau of Investigation employees. Amends TCA Title 38, Chapter 6.

Senate Bill No. 3149 by Senator Cooper.

Nurses, Nursing -- Enacts "Safe Staffing for Hospital Care Act". Amends TCA Title 68.

Senate Bill No. 3150 by Senator Ketron.

Highway Signs -- "Charles C. Beard Memorial Bridge", State Bridge No. 60-03209-.19 on S.R. 6 in Maury County.

Senate Bill No. 3151 by Senator Ketron.

Highway Signs -- "Nathan Odum Memorial Bridge", Sugar Creek on S.R. 166 in Maury County.

Senate Bill No. 3152 by Senator Kilby.

Education, Higher -- Provides that child who is receiving a tuition discount based on a parent being a teacher shall continue to be eligible to receive the discount if the child's parent dies while the child is receiving the discount. Amends TCA Section 49-7-119.

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Senate Bill No. 3153 by Senator Kilby.

Highway Signs -- "John Douglas Ward Memorial Bridge", railroad overpass bridge on S.R. 62 in Lancing community of Morgan County.

Senate Bill No. 3154 by Senator Graves.

Teachers, Principals and School Personnel -- Provides system for alternate certification of teachers. Amends TCA Section 49-1-201; Section 49-1-302; Section 49-5-101; Section 49-5-108 and Title 49, Chapter 5, Part 56.

Senate Bill No. 3155 by Senator Burchett.

Adoption -- Requires a stepparent to have been married to a child's legal or biological parent for no less than 24 months prior to filing a petition for adoption of that child. Amends TCA Title 36, Chapter 1.

Senate Bill No. 3156 by Senator Kurita.

Montgomery County -- Subject to local approval, permits Montgomery County trustee by agreement with court clerk to continue to collect delinquent taxes after suit has been filed until property is sold. Amends TCA Section 67-5-2404.

Senate Bill No. 3157 by Senator Cooper.

Education -- Authorizes use of design-build contracts in K-12 through higher education construction. Amends TCA Section 49-1-103; Section 49-2-203; Section 49-8-203 and Section 49-9-209.

Senate Bill No. 3158 by Senator Cohen.

Lottery -- Authorizes system of competitive grants for after school educational programs funded from the lottery for education account and administered through Department of Education. Amends TCA Title 4, Chapter 51, Part 1 and Title 49, Chapter 6.

Senate Bill No. 3159 by Senator Kilby.

Sexual Offenses -- Enacts the "Tennessee Serious and Violent Sex Offender Monitoring Act". Amends TCA Title 28; Title 34; Title 38; Title 39 and Title 40.

Senate Bill No. 3160 by Senator McLeary.

Highway Signs -- "Chris Joyner Memorial Interchange", Exit 85 on I-40 at Christmasville Road in Madison County.

Senate Bill No. 3161 by Senator Kyle.

State Employees -- Allows retired as well as full-time state employees to take one free course per term at state institutions of higher education. Amends TCA Section 8-50-114.

Senate Bill No. 3162 by Senator Jackson.

Lottery -- Authorizes Loretto Lions Club to conduct annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3163 by Senator Cooper.

Optometry -- Prohibits optometrists from performing any intra-ocular surgical procedures. Amends TCA Section 63-8-102(12).

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Senate Bill No. 3164 by Senator Bryson.

Traffic Safety -- Requires health care provider to notify law enforcement officer at hospital if results of tests performed on driver of vehicle involved in collision indicate that the driver had a .08 percent BAC or was under influence of drugs. Amends TCA Section 55-10-406.

Senate Bill No. 3165 by Senator Bryson.

Lottery -- Authorizes the BellSouth Telecom Volunteers in Tennessee to conduct a raffle pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3166 by Senator Clabough.

Clerks, Court -- Allows county clerk of Blount County to continue to serve as clerk of the court with probate jurisdiction. Amends TCA Title 18, Chapter 6, Part 1.

Senate Bill No. 3167 by Senator Clabough.

County Government -- Exempts library books, recordings and materials from the requirement in the County Purchasing Act of 1957 that all county personal property that is surplus, obsolete or unusable must be sold at public auction or by sealed bid. Amends TCA Title 5, Chapter 14.

Senate Bill No. 3168 by Senator Clabough.

Workers' Compensation -- Removes requirement that certain departments assist the advisory council in developing certain reports and requires insurers to report on the development of anti-fraud initiatives. Amends TCA Title 50 and Title 56.

Senate Bill No. 3169 by Senator Norris.

Workers' Compensation -- Amends several provisions relating to workers' compensation, including the provisions relating to the presumption that certain injuries were caused by drug or alcohol consumption, the general construction in favor of an employee in interpreting workers' compensation laws, and the limitations on attorney's fees for attorneys representing both employers and employees in workers' compensation cases. Amends TCA Title 50, Chapter 6, Part 1 and Title 50, Chapter 6, Part 2.

Senate Bill No. 3170 by Senator Norris.

Special License Plates -- Creates new specialty earmarked license plate for Regional Medical Center at Memphis (The MED); allocates 50 percent of funds produced from sale thereof, minus expenses, to such entity. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3171 by Senator Norris.

Motor Vehicles -- Requires that trailers operated on public roads that are sixteen feet in length or more be equipped with rear lighting equipment and makes a violation a Class C misdemeanor. Amends TCA Title 55, Chapter 9, Part 4.

Senate Bill No. 3172 by Senator Ramsey.

Boards and Commissions -- Exempts general contractors with telecommunications contractors license from requirement that they be licensed as an alarm systems contractor if less than 50 percent of their gross annual business is derived from alarm systems work. Amends TCA Section 62-32-305.

Senate Bill No. 3173 by Senator Ramsey.

Tourism -- Allows state matching funds up to a minimum of \$35,000 relative to development of regional plans for tourist promotion; changes "maximum" amount available to "minimum" amount. Amends TCA Section 4-3-2207.

Senate Bill No. 3174 by Senator Ramsey.

Kingsport -- Subject to local approval, revises delineation of Northeast Tennessee Corridor Overlay District. Amends TCA Chapter 77 of the Private Acts of 1995.

Senate Bill No. 3175 by Senator Williams.

Motor Vehicles, Titling and Registration -- Revises registration taxes for motor vehicles operated commercially as part of a nursery business. Amends TCA Section 55-4-113.

Senate Bill No. 3176 by Senator Bryson.

Lottery -- Enacts "Tennessee National Guard Tuition Assistance Act". Amends TCA Title 4, Chapter 51, Part 1 and Title 49.

Senate Bill No. 3177 by Senator Haynes.

Hospitals and Health Care Facilities -- Permits health services and development agency to issue certificates of need for up to a total of five new beds in addition to those presently authorized for Medicare skilled nursing facility beds, provided that applicant is not certified for either Medicaid or Medicare programs. Amends TCA Title 68, Chapter 11, Part 16.

Senate Bill No. 3178 by Senator Cooper.

Taxes, Sales -- Restates provisions of present law concerning exemption from sales and use tax with respect to damaged passenger motor vehicle that, as a result of damage, will be titled as salvage, nonrepairable or flood vehicle. Amends TCA Title 55 and Title 67.

Senate Bill No. 3179 by Senator Cooper.

Municipal Government -- Permits incorporation as municipality of unincorporated territory having population greater than 1,000 if territory is adjacent to existing municipality having population less than 10,000 and territory is not included in urban growth boundary of an existing municipality. Amends TCA Title 6, Chapter 1, Part 2.

Senate Bill No. 3180 by Senator Kilby.

Law Enforcement -- Authorizes law enforcement officer assigned to judicial district drug task force to receive POST certification but provides that such officer would not be entitled to the police pay supplement provided for certified officers. Amends TCA Title 8, Chapter 42 and Title 8, Chapter 7.

Senate Bill No. 3181 by Senator Kilby.

Criminal Offenses -- Redefines especially aggravated burglary to require that the victim must suffer serious bodily injury OR that the perpetrator was in possession of deadly weapon rather than present requirement that victim suffer serious bodily injury. Amends TCA Title 39.

Senate Bill No. 3182 by Senator Kilby.

Criminal Offenses -- Adds to circumstances that constitute Class B offense of second degree murder that the defendant committed the reckless killing of another while evading arrest. Amends TCA Title 39.

Senate Bill No. 3183 by Senator Kurita.

Tobacco, Tobacco Products -- Imposes an equity assessment on manufacturers of tobacco products who are not participating manufacturers under the tobacco master settlement agreement. Amends TCA Title 67, Chapter 4, Part 10.

Senate Bill No. 3184 by Senator McLeary.

Trezevant -- Subject to local approval, provides for salary of board of mayor and aldermen to be set by ordinance. Amends Chapter 29 of the Private Acts of 1965; as amended.

Senate Bill No. 3185 by Senators Harper, Burchett and Bryson.

State Government -- Deletes references to Commission on Responsible Fatherhood and Public Safety Committee which were terminated pursuant to governmental entity review law. Amends TCA Title 4, Chapter 29.

Senate Bill No. 3186 by Senator Henry.

Tennessee Regulatory Authority -- Prohibits transmission of unsolicited facsimile advertisements; requires any facsimile transmission to include on top or bottom of page margins the identification of the sender and the telephone number of the sending machine or sending party. Amends TCA Title 65, Chapter 4.

Senate Bill No. 3187 by Senator Clabough.

Insurance, Health, Accident -- Exempts from all mandated health benefits requirements insurance plans which provide only major medical insurance coverage for a catastrophic illness requiring in-patient hospital care except to extent that a specified mandated coverage is essential to provide basic health care for such illness. Amends TCA Title 56.

Senate Bill No. 3188 by Senator Clabough.

Alcoholic Beverages -- Requires Commissioner of Agriculture to submit state viticulture plan to the general assembly annually instead of biennially. Amends TCA Title 43, Chapter 30 and Title 57, Chapter 3.

Senate Bill No. 3189 by Senators Atchley and Burchett.

Taxes, Exemption -- Provides sales tax exemption for preservation or rehabilitation of certain historic properties. Amends TCA Title 67, Chapter 4; Title 67, Chapter 5 and Title 67, Chapter 6.

Senate Bill No. 3190 by Senators Atchley and Burchett.

Lottery -- Authorizes the United Way of Greater Knox County to conduct an annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3191 by Senator Burchett.

Pensions and Retirement Benefits -- Allows Tennessee consolidated retirement system credit without charge for certain military service. Amends TCA Section 8-34-605.

Senate Bill No. 3192 by Senators Burchett and Atchley.

Lottery -- Authorizes the Knoxville Area Rescue Ministries to conduct an annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3193 by Senator Cohen.

Alcoholic Beverages -- Allows any art gallery to serve wine to patrons at no charge if such art gallery does not sell food or beverages and receives 90 percent of its revenue from the sale of artwork. Amends TCA Title 57, Chapter 4, Part 1.

Senate Bill No. 3194 by Senator Cohen.

Taxes, Income -- Enacts the "Middle-Class Hall Income Tax Relief Act of 2004". Amends TCA Section 67-2-102 and Section 67-2-104.

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Senate Bill No. 3195 by Senator Cohen.

Taxes, Income -- Enacts the "Middle-Class Hall Income Tax Relief Act of 2004". Amends TCA Section 67-2-102 and Section 67-2-104.

Senate Bill No. 3196 by Senator Cohen.

Juries and Jurors -- Requires sequestered jurors to be paid at least \$30.00 a day. Amends TCA Title 22, Chapter 4.

Senate Bill No. 3197 by Senator Crutchfield.

Child Custody and Support -- Provides that interlocutory or final judgment of a court involving custody of a child is not stayed after entry unless otherwise ordered by that court entering. Amends TCA Title 36, Chapter 6.

Senate Bill No. 3198 by Senator Crutchfield.

Public Utilities -- Prohibits privately owned public utility supplying water to municipal government from charging rates, tolls, or schedules in connection with fire hydrant service to municipal government providing fire protection services within the service area. Amends TCA Section 65-5-201.

Senate Bill No. 3199 by Senator Crutchfield.

Workers' Compensation -- Places additional controls or requirements on self-insured workers' compensation trusts. Amends TCA Title 50, Chapter 6 and Title 56.

Senate Bill No. 3200 by Senator Ketron.

Highway Signs -- "Lawton Tarpley Bridge", U.S. 31-A over Richland Creek in Town of Cornersville, Marshall County.

Senate Bill No. 3201 by Senator Ketron.

Railroads -- Authorizes local governments to erect stop signs at unmarked railroad grade crossings within their jurisdictions. Amends TCA Title 55 and Title 65.

Senate Bill No. 3202 by Senator Ketron.

Fire Prevention and Investigation -- Requires private and state employed fire prevention and building officials to receive certification from the fire marshal, deletes grandfather clause for certain building inspectors. Amends TCA Section 68-120-113.

Senate Bill No. 3203 by Senator Harper.

Correctional Programs -- Adds public easements and alongside public waterways to list of places counties can permit misdemeanor workhouse or jail prisoners to work for reduction credits. Amends TCA Section 41-2-123.

Senate Bill No. 3204 by Senator Dixon.

Motor Vehicles, Titling and Registration -- Effective July 1, 2004, prohibits issuance or renewal of license plates depicting or displaying any flag of Confederate States of America or containing emblem, logo or design based upon any such flag. Amends TCA Title 55, Chapter 4.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2440 -- Hamblen County -- Subject to local approval, specifies that checks and warrants may be signed by the county executive and countersigned by the county finance director or signed by the road superintendent and countersigned by the chairman of the road commission. Amends Chapter 161 of the Private Acts of 1996.

House Bill No. 2441 -- Hamblen County -- Subject to local approval, transfers domestic relations jurisdiction from general sessions court to chancery court. Amends Chapter 374 of the Private Acts of 1951.

House Bill No. 2442 -- Hamblen County -- Subject to local approval, repeals law that restricts killing and capturing of raccoons.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3100 referred to Committee on Transportation.

Senate Bill No. 3101 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3102 referred to Committee on Judiciary.

Senate Bill No. 3103 referred to Committee on Judiciary.

Senate Bill No. 3104 referred to Committee on Education.

Senate Bill No. 3105 referred to Committee on Transportation.

Senate Bill No. 3106 referred to Committee on Transportation.

Senate Bill No. 3107 referred to Committee on State and Local Government.

Senate Bill No. 3108 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3109 referred to Committee on Transportation.

Senate Bill No. 3110 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3111 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3112 referred to Committee on State and Local Government.

Senate Bill No. 3113 referred to Committee on State and Local Government.

Senate Bill No. 3114 referred to Committee on Judiciary.

Senate Bill No. 3115 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3116 referred to Committee on Judiciary.

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Senate Bill No. 3117 referred to Committee on Judiciary.

Senate Bill No. 3118 referred to Committee on Transportation.

Senate Bill No. 3119 held on desk.

Senate Bill No. 3120 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3121 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3122 held on desk.

Senate Bill No. 3123 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3124 referred to Committee on Judiciary.

Senate Bill No. 3125 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3126 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3127 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3128 held on desk.

Senate Bill No. 3129 held on desk.

Senate Bill No. 3130 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3131 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3132 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3133 referred to Committee on Judiciary.

Senate Bill No. 3134 -- Caption Bill -- held on Clerk's desk pending filing of amendment.

Senate Bill No. 3135 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3136 referred to Committee on State and Local Government.

Senate Bill No. 3137 referred to Committee on State and Local Government.

Senate Bill No. 3138 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3139 referred to Committee on State and Local Government.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 719 by Senator Beavers.
Memorials, Congratulations -- Wilson County Fair, 2003 Champion of Champions Award.

Senate Joint Resolution No. 720 by Senator McLeary.
Memorials, Recognition -- Buddy Patey.

Senate Joint Resolution No. 721 by Senator Clabough.
Constitutional Amendments -- Requires every act of general assembly levying a tax to state the special object to which it is to be applied and prohibits it from being applied to other purposes.

Senate Joint Resolution No. 722 by Senator Clabough.
Naming and Designating -- David Nelson, Tennessee Cowboy Poet Laureate.

Senate Joint Resolution No. 723 by Senator Trail.
Memorials, Recognition -- Foster Care Month.

Senate Joint Resolution No. 724 by Senator Graves.
Memorials, Public Service -- Sumner County Emergency Management Agency.

Senate Joint Resolution No. 725 by Senator Burchett.
Memorials, Personal Occasion -- Mark and Sharon Cawood, wedding.

Senate Joint Resolution No. 726 by Senators Burchett and Atchley.
Memorials, Death -- Robert Bibb Frost, Sr.

Senate Joint Resolution No. 727 by Senators Burchett and Atchley.
Memorials, Death -- Edwin Court Huster, Jr.

Senate Joint Resolution No. 728 by Senator Cohen.
Memorials, Government Officials -- Directs Department of Transportation to cease and desist its use of any component of "Click It or Ticket" campaign that states or implies to public that Tennessee has primary seat belt enforcement law.

Senate Resolution No. 118 by Senator Burchett.
Memorials, Personal Occasion -- Wes Stowers, 50th birthday.

Senate Resolution No. 119 by Senator Harper.
Memorials, Professional Achievement -- Michelle B. Marrs, Urban Journal's Person of the Year.

RESOLUTIONS LYING OVER

House Joint Resolution No. 819 -- Memorials, Death -- Sam Ridley.

The Speaker announced that he had referred House Joint Resolution No. 819 to Committee on Calendar.

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House Joint Resolution No. 825 -- Memorials, Recognition -- Brenda S. Payne.

The Speaker announced that he had referred House Joint Resolution No. 825 to Committee on Calendar.

Senate Joint Resolution No. 712 -- Memorials, Death -- Avie Lee Caroline Owens Parton.

The Speaker announced that he had referred Senate Joint Resolution No. 712 to Committee on Calendar.

Senate Joint Resolution No. 713 -- Memorials, Heroism -- WAVES National Volunteer Unit 94.

The Speaker announced that he had referred Senate Joint Resolution No. 713 to Committee on Calendar.

Senate Joint Resolution No. 714 -- Memorials, Personal Occasion -- Kathryn Blackwell, 95th birthday.

The Speaker announced that he had referred Senate Joint Resolution No. 714 to Committee on Calendar.

Senate Joint Resolution No. 715 -- General Assembly, Confirmation of Appointment -- Stephanie R. Reeves, Claims Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 715 to Committee on Judiciary.

Senate Joint Resolution No. 716 -- Memorials, Professional Achievement -- Flossie Tate, Tennessee's Outstanding Older Worker of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 716 to Committee on Calendar.

Senate Joint Resolution No. 717 -- Memorials, Death -- Betty Dailey.

The Speaker announced that he had referred Senate Joint Resolution No. 717 to Committee on Calendar.

Senate Joint Resolution No. 718 -- Naming and Designating -- Designates McMinnville as "The Photography Capital of Tennessee".

The Speaker announced that he had referred Senate Joint Resolution No. 718 to Committee on State and Local Government.

Senate Resolution No. 114 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of criminal procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 114 to Committee on Judiciary.

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Senate Resolution No. 115 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 115 to Committee on Judiciary.

Senate Resolution No. 116 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of evidence promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 116 to Committee on Judiciary.

Senate Resolution No. 117 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure promulgated by supreme court.

The Speaker announced that he had referred Senate Resolution No. 117 to Committee on Judiciary.

CAPTION BILL REFERRALS

Pursuant to Rule 28, the following bills were recalled from the Clerk's desk and referred to committee:

Senate Bill No. 2066 referred to Committee on State and Local Government, without amendment.

Senate Bill No. 2729 referred to Committee on Commerce, Labor and Agriculture, without amendment.

CONSENT CALENDAR NO. 1

Objections having been raised, the following bills were placed at the heel of the calendar for Thursday, February 5, 2004, pursuant to Rule 38: **Senate Joint Resolution No. 711.**

House Joint Resolution No. 799 -- Memorials, Death -- Buck Graham.

House Joint Resolution No. 800 -- Memorials, Congratulations -- Laurel Chapter #22 (order of the Eastern Star), 100th anniversary.

House Joint Resolution No. 801 -- Memorials, Death -- Dr. John Orlando "J.O." Williams, Jr.

House Joint Resolution No. 802 -- Memorials, Personal Achievement -- Michael Shea Fedders, Eagle Scout.

House Joint Resolution No. 803 -- Memorials, Personal Achievement -- Matthew Philip Kiessling, Eagle Scout.

House Joint Resolution No. 804 -- Memorials, Personal Achievement -- Nathan Richard Hill, Eagle Scout.

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House Joint Resolution No. 805 -- Memorials, Personal Achievement -- William Robert Draper, Eagle Scout.

House Joint Resolution No. 806 -- Memorials, Personal Achievement -- Nicolas Alderman Haynes, Eagle Scout.

House Joint Resolution No. 807 -- Memorials, Personal Achievement -- William Cody Smith, Eagle Scout.

House Joint Resolution No. 808 -- Memorials, Personal Achievement -- Donald Ryan Gandee, Eagle Scout.

House Joint Resolution No. 809 -- Memorials, Personal Achievement -- David James Lepard, Eagle Scout.

House Joint Resolution No. 810 -- Memorials, Personal Achievement -- Luke Jerome Maddux, Eagle Scout.

House Joint Resolution No. 811 -- Memorials, Personal Achievement -- Jeffery Paul Culley, Eagle Scout.

House Joint Resolution No. 812 -- Memorials, Recognition -- Daisy Hamblin.

House Joint Resolution No. 813 -- Memorials, Death -- Clarice Williams.

House Joint Resolution No. 814 -- Memorials, Recognition -- Tusculum College Professional Studies Programs, 20th anniversary.

House Joint Resolution No. 817 -- Memorials, Public Service -- Kingston Springs Fire Department.

Senate Joint Resolution No. 706 -- Memorials, Recognition -- Andrew Jackson School, 75th anniversary.

Senate Joint Resolution No. 707 -- Memorials, Recognition -- Floyd Shechter.

Senate Joint Resolution No. 708 -- Memorials, Professional Achievement -- Dr. Greg Patterson, 2003 National Distinguished Principal.

Senate Joint Resolution No. 709 -- Memorials, Recognition -- R. Larry Lovelace.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Joint Resolution No. 683 -- Naming and Designating -- Spay Day Tennessee.

Senate Bill No. 2095 -- Regional Authorities and Special Districts -- Removes provision for members of Gibson County water projects authority board of directors being reappointed up to two terms and officers being reelected; changes required meetings from at least quarterly to at least semiannually. Amends TCA Title 64, Chapter 1, Part 10.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that **Senate Bill No. 2075** be rereferred to the Committee on Calendar, which motion prevailed.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2086 -- Hornsby -- Subject to local approval, changes town election from June to November; makes it permissive, instead of mandatory, that Recorder be member of board of mayor and aldermen. Amends Chapter 112 of the Private Acts of 1920 (Ex. Sess.); as amended.

On motion, Senate Bill No. 2086 was made to conform with **House Bill No. 2150**.

On motion, House Bill No. 2150, on same subject, was substituted for Senate Bill No. 2086.

Senator Crowe moved that **House Bill No. 2150** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 699 -- Memorials, Congress -- Urges Congress to study the growing scope of federal preemption of the banking industry by the Office of the Comptroller of the Currency and to enact legislation, if necessary, to prevent such preemption and the unilateral expansion of jurisdiction of financial institutions without specific endorsement of the elected representatives of the U.S. Congress.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "clear, consistent, and premeditated effort" from the 9th clause of the preamble, and by substituting instead the language "consistent effort".

On motion, Amendment No. 1 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the 4th clause of the preamble in its entirety, and by substituting instead the following language:

WHEREAS, operating subsidiaries of national banks, including but not limited to title companies, finance companies, leasing companies, securities firms and mortgage brokerages, are primarily creatures of state law, not federal law, and are incorporated under state law and in the past have applied for licenses from state regulatory authorities to operate within Tennessee; and

AND FURTHER AMEND, by deleting the language of the 1st resolving clause following the word "that" and by substituting instead the following language:

this General Assembly urges the United States Congress to intervene with the OCC on behalf of the citizens of the United States to more carefully define the parameters of the preemption of state banking laws, particularly as they relate to predatory lending, in order to preserve the states' rights and to protect their citizens.

AND FURTHER AMEND by deleting the language "is urged to hold hearings to hold hearings" from the 2nd resolving clause and by substituting instead the language "is urged to hold hearings".

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Joint Resolution No. 699**, as amended, was adopted by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 2097 -- Sexual Offenses -- Makes the name and address of any college in this state at which a sexual offender is employed or attends public information and available by October 1, 2004, on the Tennessee Internet home page for convictions occurring on or after July 1, 1997, rather than October 27, 2002. Amends TCA Section 40-39-106.

Senate Bill No. 2097 passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

Senate Bill No. 2098 -- Public Records -- Requires rather than authorizes institution of higher education to disclose final results of student disciplinary proceeding involving crime of violence, sex offense, alcohol or drug possession unless prohibited by federal law. Amends TCA Section 10-7-504.

Senate Bill No. 2098 passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 2504 -- Statutes -- Codifies the acts of the 2003 session of the 103rd General Assembly.

Senate Bill No. 2504 passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 118**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 118 -- Memorials, Personal Occasion -- Wes Stowers, 50th birthday.

On motion of Senator Burchett, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 118** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Graves moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 724**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 724 -- Memorials, Public Service -- Sumner County Emergency Management Agency.

On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 724** was adopted by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 31 be suspended for the purpose of requiring all bills with any fiscal impact other than "minimal" or "not significant" to be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee, which motion prevailed by the following vote:

Ayes	30
Noes	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

Senator voting no was: Miller--1.

RECALL OF BILL

On motion of Senator Haynes, **Senate Bill No. 2568** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Haynes, **Senate Bill No. 2568** was withdrawn from the Senate.

MOTION

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolutions Nos. 800 and 814**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 699**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 2456**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bills Nos. 1697, 1717 and 2922**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 861; House Joint Resolution No. 820; and Senate Joint Resolution No. 706**.

WEDNESDAY, FEBRUARY 4, 2004 -- 56TH LEGISLATIVE DAY

On motion of Senator Harper, her name was added as sponsor of **Senate Joint Resolution No. 706**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 802, 803, 804, 805, 806, 807, 808, 809, 810 and 811; and Senate Bills Nos. 2097 and 2098**.

On motion of Senator Cohen, his name was added as sponsor of **Senate Joint Resolution No. 711**.

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 812, 813 and 817**.

On motion of Senator Person, his name was added as sponsor of **Senate Bills Nos. 2346 and 2504; and House Joint Resolutions Nos. 811 and 812**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 825**.

On motion of Mr. Speaker Wilder, his name was added as sponsor of **House Joint Resolution No. 799**.

On motion of Senator Fowler, his name was added as sponsor of **House Joint Resolution No. 812**.

On motion of Senator Haynes, his name was added as prime sponsor of **Senate Bill No. 2683**.

On motion of Senators Burchett, Atchley and Clabough, their names were added as sponsors of **Senate Bill No. 502**.

On motion of Senators Crowe, Southerland and Ramsey, their names were added as sponsors of **House Joint Resolution No. 814**.

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolution No. 811**.

On motion of Senator Williams, his name was added as sponsor of **House Joint Resolution No. 800**.

ENGROSSED BILLS

February 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2095, 2097, 2098 and 2504; and Senate Joint Resolutions Nos. 683, 699, 706, 707, 708, 709 and 724; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

February 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 2047, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 784, 785, 786, 793, 794, 795, 796 and 798; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 3, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 784, 785, 786, 793, 794, 795, 796 and 798.

SIGNED

February 4, 2004

The Speaker announced that he had signed the following: Senate Bill No. 2047.

MESSAGE FROM THE HOUSE

February 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2087, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2087, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 4, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2011 and 2087; and Senate Joint Resolution No. 710; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 5, 2004: House Joint Resolutions Nos. 819 and 825; and Senate Joint Resolutions Nos. 712, 713, 714, 716 and 717.

This the 3rd day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 5, 2004: Senate Bills Nos. 2129, 2148, 2249, 2217, 2252, 2253, 2280, 2315, 2317, 2322, 2330 and 2337.

This the 3rd day of February, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bill on the calendar for Thursday, February 5, 2004: Senate Bill No. 348.

This the 3rd day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, February 5, 2004: Senate Bills Nos. 2508, 2510, 2513 and 3086.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, February 5, 2004, which motion prevailed.